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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VALERIE A. SCHER and  
PRESTON S. SCHER,

Plaintiffs,

-against-

SANDALS RESORTS  
INTERNATIONAL LTD. and  
UNIQUE VACATIONS, INC.

Defendant.  
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X

07 Civ. 3847 (WP4)

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**PLAINTIFFS' FIRST  
SET OF  
INTERROGATORIES  
TO DEFENDANTS**

S I R S:

PLEASE TAKE NOTICE that plaintiffs Valerie A. Scher and Preston S. Scher, by and through counsel, the Law Offices of Mitchell J. Baker, requests that defendants Sandals Resorts International Ltd. and Unique Vacations Inc., respond to the following interrogatories within thirty (30) days hereof in accordance with the FRCP.

INSTRUCTIONS AND DEFINITIONS

1. These interrogatories are continuing in character so as to require you to file supplemental answers if you, your attorneys, investigators, agents, employees, or other representatives obtain further or different information before trial.
2. Where the name or identity of a person is requested, please state the full name, home address, and business address, if known.
3. Unless otherwise indicated, these interrogatories refer to the times, places and circumstances of the occurrences mentioned or complained of in Plaintiffs' complaint.
4. Where knowledge or information in possession of a party is requested, such request includes knowledge of a party's agents, representatives and, unless privileged, his/her attorneys.
5. "DOCUMENT" includes the original and any non-identical copy (whether different from the original because of notes made on such copy or otherwise) of all written, typed, printed, recorded, or graphic matter of every type and description, whether draft or final, however, and by whomever prepared, produced, reproduced, disseminated, or made, in any form, including, but not limited to, all writings, correspondence, e-mails, bulletins, instructions, charts, literature, work assignments, contracts,

agreements, notes, notebooks, microfilm, photographs, tapes, pamphlets, data sheets, statistics, minutes of meetings, letters, memoranda, reports, transcripts of telephone conversations, summaries, books, diaries, sound recordings, data compilations from which information can be obtained or can be translated through detection devices into reasonably usable form, and all other documentary material of any nature whatsoever, together with any attachments thereto or enclosures therewith.

6. "PHOTOGRAPHS," include negatives, prints, transparencies, slides, motion pictures, drawings, paintings, videotapes and any other means of depicting a person or object.
7. "PERSON," means the plural as well as the singular and includes any natural person and any firm, corporation, association, joint venture, partnership or other entity.
8. "IDENTIFY," means:
  - a) when referring to a natural person or persons, state the full name, age, address of last known residence and principal place of business of each such person , and a description of their business affiliation and position during the period to which the interrogatory refers;
  - b) when used with reference to a business organization or

the address of its principal place of business and a  
description of the nature of the business during the period  
to which the interrogatory refers;

c) when used with reference to a document, state:

- the type of document, its date and the stated subject  
matter or general subject matter;
- the full name, address, and position of the person in  
charge of preparing each such document and of the  
person who signed each such document;
- the date or dates of preparation thereof;
- the full name and position of each person to whom  
such written matter was distributed; and

d) when used with reference to an oral discussion,  
conversation or communication, state the date upon which  
the discussion, conversation or communication occurred,  
the place where it occurred, identify each person who  
participated therein or who was present when it was made,  
state its substance and identify each document which, in  
whole or in part, refers to said oral, communication.

9. Whenever an interrogatory asks for the identity of any document, you may, in lieu of identifying the document, produce the document for inspection and copying with an identification of the interrogatory to which the document responds.

10. Where information is requested which is personal to, or within the sole knowledge of, one person, provide the information requested, and indicate which person the information is personal to, or within the sole knowledge of. If personal to more than one person, or within the knowledge of more than one person, provide the answer requested, identifying the information pertaining to each such person, or to each such person's knowledge.

11. "OR" and "AND" shall mean "AND/OR."

12. Singular shall refer to the plural and plural to the singular whenever applicable.

13. "INCIDENT," as used hereinafter in these interrogatories shall refer to the facts alleging liability of the defendants as set forth in the Plaintiffs' Complaint.



If Defendants have not been sued in their correct name, state the correct names.

**ANSWER:**

Are you aware of any statement made by the plaintiffs, defendants or any representatives, regarding the occurrence mentioned in the Complaint, whether oral, written or recorded in any way, including but not limited to, a stenographic, mechanical, electrical, audio, video, motion picture, photograph, or other recording, or transcription thereof, and if so, state the following:

- (a) Date, place, and time taken;
- (b) Name and address of the person or persons connected with taking it;
- (c) Names and addresses of all persons present at the time it was taken;
- (d) Whether the statement was oral, written, shorthand, recorded, taped, etc.

**ANSWER:**



State whether there exists photographs, videotapes, or movies with respect to the Incident referenced in the complaint or the scene of the occurrence referenced in the complaint. If so, state the following:

(a) Describe each photograph, video, or movie;

(b) State the date each was taken;

(c) State the name and address of the person taking each such photo, video, or movie; and

(d) State the name and address, employer, insurer, and job title of the person presently having control or custody of each photograph, video, or movie.

**ANSWER:**

Experts: List and identify:

(i) Name;

(ii) Address;

(iii) Occupation;

(iv) place of employment;

(v) qualifications to give an opinion (if such information is available on an

experts curriculum vitae, you may attach a copy thereof in lieu of answering this  
interrogatory subpart); and,

(vi) with respect to each expert listed, please state the subject matter on

which the expert is expected to testify and the expert's hourly deposition fee.

**ANSWER:**

State the names and addresses of every person known by the defendants, defendants' representatives or defendants' attorney, to have witnessed the occurrences mentioned in the Complaint or who defendants anticipate calling as a witness at the trial of this matter. Designate which of such people actually claim to have witnessed the occurrence, or has any knowledge of the matters set forth in the Complaint.

**ANSWER:**

As it relates to the first defense, please state the basis upon which you assert that this cause is governed by the law of another jurisdiction, and please further identify such jurisdiction.

**ANSWER:**

As it relates to the fourth defense, please identify the superseding or intervening acts alleged therein.

**ANSWER:**

As it relates to the seventh defense, please identify the nature of the liability and fault attributed to others, and also please identify the “others”.

**ANSWER:**

As to the tenth defense, please set the reasons why venue is not proper in this district, and please further identify the proper district for purposes of venue.

**ANSWER:**

As it relates to the fourteenth defense, please identify who should be joined as a necessary party for “just adjudication.”

**ANSWER:**



As it relates to the fifteen defense, please identify the release of liability which “plaintiff” signed.

**ANSWER:**

State whether defendants or defendants' representatives was/were convicted of or pleaded guilty to any violation of a law or ordinance arising out of the defective condition of the property alleged in the complaint within ninety days before and after the occurrence in question, and if so, state the charges to which such person was convicted or pleaded guilty, the name and address of the court where same occurred, the date of final disposition, and the cause number for each such plea or conviction.

**ANSWER:**

State whether or not any insurance company has an interest in the outcome of this litigation against defendants. If so, state the following:

- (a) The name of the insurance company;
- (b) Whether the insurance company is a stock company or a mutual company;
- (c) The name of the insured;
- (d) Type(s) of insurance;
- (e) Effective policy period;
- (f) Policy number;
- (g) Policy limits; and,
- (h) Attach a copy of the declaration page or certificate of coverage of such policy of insurance to your answers to these interrogatories.

**ANSWER:**

State whether or not defendants are incorporated or registered to do business, and if so, state:

- (a) The state of incorporation or registration;
- (b) The exact name of the corporation or other business entity as it appears in its articles of incorporation or formation or like documents; and,
- (c) If defendants are not incorporated, state whether or not it is a partnership, limited liability partnership, limited liability company, and if so, give the names of all partners or members or owners of or if it is a municipal corporation or a political organization, state its exact name and in what state it is organized to do business.

**ANSWER:**

State whether or not this defendants are the owner of the property mentioned in the complaint, and if so, state:

- (a) The date acquired;
- (b) The name and address from whom acquired;
- (c) If defendants have sold the property subsequent to the occurrence in question, please give the date that it was sold and the name and address to whom it was sold; and,
- (d) If defendants deny that it was the owner at the time and place of the occurrence in question, please state to the best of defendants' knowledge, the name and address of the owner at the time of said occurrence.

**ANSWER:**

If defendants are not the owner of said property, state whether or not the defendants have any relationship with the owner(s) of said property, including management of said property, securing repairs for said property, or obtaining rents for said property, and state the nature of said relationship.

**ANSWER:**

State the name and address of the person or entity that was employed to maintain the area wherein the alleged occurrence took place at or near the time of the incident, and further state whether or not this person or entity was an employee of defendants or was a separate person or company hired by defendants to maintain this area.

**ANSWER:**

State if any repairs were made to the area referred to in the complaint within one year before said alleged occurrence, and if so, state:

- (a) The date of said repair;
- (b) The name and address of the person or entity that made the repair;
- (c) When the repairs were made; and,
- (e) State who employed the person or entity that performed said repairs.

**ANSWER:**



State whether defendants know of any person or entity that has made any changes within one year after the occurrence in question to the area referred to in plaintiff's petition, and if so, state:

- (a) The person/entity making said repairs;
- (b) The dates of said repairs;
- (c) The purpose of said repairs; and,
- (d) What said repairs consisted of.

**ANSWER:**

State the names, addresses, and employers of all witnesses to the condition of the premises in the area mentioned in the complaint within sixty minutes before or after the incident mentioned in plaintiff's petition. State whether or not they are presently employed by this defendant, and if so, state their present job title.

**ANSWER:**

State whether or not the defendants were either the lessor or lessee of the property wherein the plaintiff alleges her accident occurred on the date of the incident set out in the complaint. Please state:

- (a) Whether the defendant was either the lessor or lessee;
- (b) Other parties to the lease;
- (c) The date of any leaseholder or possessory interest acquired in said property;
- (d) If there is a contract regarding any leasehold interest; and,
- (e) Produce copies of leases relating to the property.

**ANSWER:**

State whether or not a police report or municipal report was made pertaining to the alleged incident, and if so, state:

- (a) The name and address of the police or municipal department;
- (b) The complaint number; and,
- (c) The investigating officer.

**ANSWER:**

Dated: White Plains, New York  
July 10, 2007

LAW OFFICES OF MITCHELL J. BAKER  
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By: \_\_\_\_\_



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